

1 JAMES A. DiBOISE, State Bar No. 083296
2 TRACY TOSH LANE, State Bar No. 184666
2 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
3 One Market, Spear Tower, Suite 3300
San Francisco, CA 94105-1126
4 Telephone: (415) 947-2000
Facsimile: (415) 947-2099
5
6 Attorneys for Defendant
6 NAVIO SYSTEMS, INC.

7
8 UNITED STATES DISTRICT COURT
9
NORTHERN DISTRICT OF CALIFORNIA

10 MARSTAN ASSOCIATES, LTD., a New York) CASE NO.: C 05-02260 JSW
corporation,)
11 Plaintiff,) STIPULATION AND [PROPOSED]
12 v.) ORDER TO POSTPONE CASE
13) MANAGEMENT CONFERENCE
14 NAVIO SYSTEMS, INC., a Delaware) AND ALL CORRESPONDING
corporation; QUADREE EL-AMIN, individually) DEADLINES
and d/b/a ON Q DIGITAL,)
15 Defendants.)
16 _____)

17
18 WHEREAS, Plaintiff Marstan Associates, Ltd. commenced this action on June 3, 2005,
19 claiming that Defendants' allegedly unauthorized use of portions of *The Prayers of Pope John*
20 *Paul II* was copyright infringement and unfair competition.

21 WHEREAS, Defendant Navio Systems, Inc. ("Navio") filed its answer to Plaintiff's
22 complaint on July 6, 2005.

23 WHEREAS, after extensive efforts by Plaintiff to effectuate service on Defendant
24 Quadree El-Amin, Defendant El-Amin was served with the complaint by substitute service on
25 October 31, 2005. Per applicable rules, service will be deemed complete on November 11,
26 2005. Plaintiff and Defendant Navio do not believe that Defendant El-Amin has yet retained
27 counsel to represent him in this matter.

1 WHEREAS, Defendant El-Amin's response to the complaint is currently due on
2 December 1, 2005. Further, Defendant Navio intends to seek leave of court to serve cross claims
3 for, among other things, breach of contract and indemnification against Defendant El-Amin. If
4 leave is granted, Defendant Navio anticipates that Defendant El-Amin would respond to these
5 cross claims at the earliest in approximately forty-five(45) to sixty (60) days.

WHEREAS, Plaintiff and Defendant Navio believe that the interests of fairness and judicial economy are served by postponing the Case Management Conference, meet and confer discussions and initial disclosures until the scope of claims are known and Defendant El-Amin has an opportunity to participate in such events through counsel.

10 WHEREAS, the parties are attempting to resolve the case through settlement and would
11 like an opportunity to formally join Defendant El-Amin in such discussions.

12

13 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and
14 Defendant Navio, through their undersigned counsel, that the Case Management Conference,
15 currently scheduled for November 18, 2005 at 1:30 p.m., and all corresponding deadlines, are
16 postponed for at least sixty (60) days. The Case Management Conference will be rescheduled at
17 the Court's convenience for a date after January 15, 2006.

18

19 | Dated: November 7, 2005

PHILLIPS, ERLEWINE & GIVEN LLP

20

21

By: /s/ Spencer C. Martinez
Spencer C. Martinez

22

23

Dated: November 7, 2005

WILSON SONSINI GOODRICH & ROSATI

23

20

By: /s/ Tracy Tosh Lane
Tracy Tosh Lane

28

**STIPULATION AND [REDACTED] ORDER TO
POSTPONE CASE MANAGEMENT CONFERENCE
AND ALL CORRESPONDING DEADLINES**

1 **ECF CERTIFICATION**

2 Pursuant to General Order No. 45, § X.B, the filing attorney attests that the content of this
3 document is acceptable to all attorneys for the parties required to sign this document.
4 The Court HEREBY ORDERS that the Case Management Conference is CONTINUED
from November 18, 2005 to January 20, 2006 at 1:30 p.m.

5 **IT IS SO ORDERED:**

6
7 Dated: November 9____, 2005

8
9 
10 United States District Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28